

# Spain

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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### Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

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Antidiscrimination laws exist which prohibit discrimination based on sexual orientation and gender identity. The law can consider an anti-LGBTI hate element an aggravating circumstance in crimes.

In Catalonia the law provides members of the LGBTI community greater protections than those provided by national law and prohibits discrimination based on sexuality in competencies of the regional government, such as the provision of education and health care. It reverses the burden of proof involved in cases of discrimination in the realms of civil and social law. Nevertheless, the Observatory against Homophobia in Catalonia claimed that homophobia among persons ages 16 to 20 was rising.

The country's consulates enroll in the civil registry of children born through surrogacy.

According to the Ministry of the Interior, of the 1,328 reported hate crimes during 2015, 169 (13 percent) were linked to the victim's sexual orientation, down 67 percent from 2014. The LGBTI association Arcopoli also asserted that most of the attackers were under the age of 30.

The government fought LGBTI hate crimes by sensitizing police and social workers on sexual diversity, increasing awareness of LGBTI hate crimes, facilitating reporting, and providing better assistance to victims of these crimes. Employing a whole-of-government approach, the government channeled its effort in this area through the Spanish Observatory against LGBT-phobia, an initiative created by the Spanish Federation of LGBTI and with the support of the Ministries of Health, Social Services, and Equality, and of the Interior.

In May, Madrid Regional President Cristina Cifuentes announced that the emergency services would provide specialized attention to LGBTI victims.

In March, to fight against transphobia, the Barcelona municipal government created a Trans Service of Shelter and Accompaniment under the LGBT Resource Center of Barcelona. Under this initiative the municipal government developed a guide with information for those wanting to undergo a sex change and resources for those facing discrimination. The guide also identifies LGBTI-friendly projects in the city.

### HIV and AIDS Social Stigma

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*No information in this sub-section. Please see the full country report for more.*

## Other Societal Violence or Discrimination

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In 2015 hate-crime identifications were up 13 percent compared with 2014, totaling 1,328, according to the Ministry of the Interior. In all, 240 cases involved physical injuries and 205 cases involved threats. Esteban Ibarra, president of the Movement against Intolerance, lamented the estimated 80 percent of unreported hate crimes.

Notably, 23 percent of hate crimes related to religion. Of the 1,328 reported hate crimes in 2015, 70 cases were committed against Muslims (5 percent).

In December 2015 the country's first national manual for the investigation and prosecution of hate crimes was released at an international conference in Barcelona. The manual, which was prepared by prosecutors, magistrates, and academics and coordinated by the prosecutor against hate crimes and discrimination in Barcelona, defines a hate crime and outlines impediments to prosecuting this type of crime.

To improve investigations and to increase the protection of victims, the manual's best practices include increased training for public servants, greater institutional coordination, the updating of protocols, and the creation of more thorough databases of hate crime statistics.

## Promotion of Acts of Discrimination

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*No information in this sub-section. Please see the full country report for more.*